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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/217,414	12/21/1998	JAN VAN EE	PHA23.409	8357

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EXAMINER
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HO, THE T

ART UNIT	PAPER NUMBER
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2126

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DATE MAILED: 12/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/217,414

Applicant(s)

VAN EE ET AL.

Examiner

The Thanh Ho

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is in response to the request for reconsideration filed 9/23/2003.
2. Claims 1-30 have been examined and are pending in the application.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1-6, 10-15, 17-27 and 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman U.S Patent No. 6,288,716.

As to claim 1, Humpleman discloses effecting tasks (Fig. 10) associated with user selection (human operator, line 24-25 column 5) of task-associated objects (Power, Channel, Volume...of 706, Fig. 10) and being associated with an environment (710, Fig. 10), environmental devices (Dads TV 712, Jims DVD 712...Fig. 10), resources including user interface facilities (interface 802, Fig. 10), communication facilities (Serial bus 1394, Fig. 1), display facilities (704, and 706, Fig. 10), and input facilities (a mouse or other point-and-click device, line 26 column 5); a tasking software system (a mechanism, line 14 column 2) includes a state tracking subsystem (ICON variation representing a particular state of the home device, line 28-29 column 10) supports (provide, line 38 column 10) context determination (particular state, line 38 column 10), a cluster formulation subsystem (software and/or hardware saving the particular steps

Art Unit: 2126

taken by a user while interacting, line 18-19 column 22) formulates clusters (macro, line 30 column 21), being responsive (macro generation 1204, Fig. 15) to context (session manager....saved states into actions, lines 8-11 column 15), a cluster presentation subsystem (the home device's macro list, line 39 column 22) supports (is saved as, line 38 column 22) the formatting and presentation of task-associated objects (macro file 1210, Fig. 15) of an active cluster (macro name button, line 40-41 column 22), a transition subsystem (session manager, line 29 column 14) supports (generates, line 29 column 14) transitions (allows users to command and control, line 30-31 column 14) among formats/presentations (session page, line 29-30 column 14) of an active cluster; the tasking software system operating in coordination with the resources (ICON variation line 28-29 column 10, software and/or hardware line 18-19 column 22, the home device's macro list line 39 column 22, session manager line 29 column 14) so as to display via the display facilities (802, Fig. 10) and responsive to context (when the user selects the device button, line 64-65 column 15), clusters (Dads TV 712, Fig. 10) of task-associated objects (Power, Channel, Volume...of 706, Fig. 10) and, by selection (to command and control, line 30-31 column 14) of any such object, to enable a user to activate (perform, line 32 column 14) a task (various functions, line 32 column 14) respecting one or more environmental devices (the home devices, line 31 column 14). Humpleman does not explicitly disclose objects of a cluster. However, Humpleman disclose in 804 of Fig. 10 several objects that the user can interact with (channel, brightness...). It would have been obvious to consider this teaching as objects of a

cluster wherein after the user clicks on one of the object, a task that is specified to that object would be performed.

As to claim 2, Humpleman as modified further discloses the cluster formulation subsystem re-formulates (712 is selected, line 5 column 16, and 712 is deactivated, line 8 column 16) the clusters (804, Fig. 10), responsive to context (selection by the user, line 11-12 column 16), and on an adaptive and dynamic basis (the user selects the device button 712, line 64-65 column 15).

As to claim 3, Humpleman as modified further discloses the cluster presentation subsystem supports the formatting and presentation of objects (804, Fig. 10), responsive to context and on adaptive and dynamic basis (the user selects the device button 712, line 64-65 column 15).

As to claim 4, Humpleman as modified further discloses the transition subsystem supports transitions among clusters as to active status (allows users to command and control the home devices that are connected to the home network, line 30-32 column 14).

As to claim 5, Humpleman as modified further discloses the state tracking subsystem supports context determination by gathering data (several variations, line 26 column 10) respecting (representing, line 28 column 10) at least one of environmental, device, system and temporal states (particular state of the home device, line 28-29 column 10).

As to claim 6, Humpleman as modified further discloses the user interface has a graphical user interface (710, and 804, Fig. 10).

As to claim 10, Humpleman as modified further discloses collateral software (security mechanism, line 13 column 21) enabling user recognition and authentication (particular authorized users, line 15 column 21).

As to claim 11, Humpleman as modified further discloses the tasking software system has distribution facilities (External connection, line 57 column 20) providing for distribution of functions and operations (home network 1100, Fig. 14) of the tasking software system and its subsystems over, between or among of a first implementing mechanism (104, 106, and 116, Fig. 14), additional implementing mechanisms (120, Fig. 14), environmental devices (108, and 110, Fig. 14), other external computing devices (a user can remotely control home devices connected to the home network, line 5-6 column 21), other computer system(s) and network resources (Internet, line 63 column 20).

As to claim 12, Humpleman as modified further discloses the resources and tasking software system coordinate (Fig. 3A) so as to support tasking of the implementing mechanism (HTML file, Fig. 3A) by the user selection of objects (Button "Click" selection, Fig. 3A) as displayed by the display facilities (Display to user, Fig. 3A).

As to claim 13, Humpleman as modified further discloses the resources and tasking system coordinate so as to enable the implementing mechanism to emulate (Control/Command, Fig. 3A) environmental devices (Home device 204, Fig. 3A).

As to claim 14, Humpleman as modified further discloses a task-associated object (the home device's macro list, line 39 column 22) has a macro object (macro

name button, line 39 column 22) if selected, being enabled to change a state (perform the particular sequence of instructions, line 25-26 column 22) of environmental devices.

As to claim 15, Humpleman as modified further discloses a macro object is user defined (steps of creating a macro from Fig. 15).

As to the method of claim 17, note the discussion of the system of claim 1 above. Humpleman as modified further teaches executing the one or more tasks (capable of performing, line 17 column 16) while maintaining context-relevancy.

As to claim 18, Humpleman as modified further discloses polling the plurality of environmental devices (provide feedback to the user, line 38 column 10) to determine (determining, line 34 column 10) a current state of the plurality of environmental devices (the device's representative state at any particular time, line 34 column 10); and updating the presented task-associated objects (represent, line 32 column 10) to evidence the so-determined current state (particular state, line 28 column 10).

As to claim 19, Humpleman as modified further discloses transmitting a signal (Control/Command, Fig. 3A) to one of the plurality of environmental devices (Home Device 204, Fig. 202) instructing it to change state (the user can control, line 43 column 7) and updating the presented task-associated objects to reflect the object selection (images of a DVCR playing, rewinding...line 30 column 10), so as to maintain context relevancy of the presented objects.

As to claim 20, Humpleman as modified further discloses receiving information (feedback, line 38 column 10) from at least one of the environmental devices (home device, line 37 column 10) to determine the physical location of the implementing

mechanism (respective home device, line 27 column 10), and updating the presentation of the task-associated objects (as to the particular state of the home device, line 38-39 column 10) based on the physical location.

As to the system of claim 21, note the discussions of claims 1-2 above.

As to the system of claim 22, note the discussions of claims 1, 5 and 10 above.

As to the system of claims 23-24, note the discussions of claims 1 and 5 above.

As to the system of claim 25, note the discussions of claims 1, 5 and 15 above.

As to the system of claim 26, note the discussions of claims 1-2 above.

As to the system of claim 27, note the discussion of claim 1 above. Humpleman as modified further discloses communication facilities support the TCP/IP connectivity standard (TCP/IP, lines 60-62 column 10).

As to claim 30, touch-sensitive LCD is conventional. It would have been obvious to add this feature to the system of Humpleman for the convenience purpose.

4. Claims 7-9, 16 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman in view of Darbee U.S Patent No. 6,130,726.

As to claim 7, Humpleman as modified does not teach a help subsystem.

Darbee discloses a program guide on a remote control display with a help subsystem (Quick Help, line 10 column 13). It would have been obvious to add the teachings of Darbee to the system of Humpleman because the user can use the Help Menu incase of not knowing what is the function of certain buttons; or he/she just wants to learn the basic set-up of the remote control.



As to claim 8, Humpleman further discloses the object discovery subsystem supports the discovery (dynamically updated as home devices are added and removed, line 48-49 column 11) of environmental devices (home devices, line 48-49 column 11).

As to claim 16, Humpleman further discloses the tasking system is distributed (1394 Serial Bus, Fig. 14) over the device (102, Fig. 14) and an external digital processing device (1104, Fig. 14).

As to claim 9, Humpleman further discloses the object discovery subsystem supports an introduction function (GENIP process 316, line 35 column 12) enabling communication of "get-to know-me" information (the device information, line 37 column 12) with environmental devices (home device, line 39 column 12).

As to claim 28, note the discussion of claim 7 above.

As to claim 29, Darbee further teaches the help system is configured to support user interaction with the tasking software system by analyzing user's configuration preferences against the clusters and identifying conflicts between user's configuring preferences and the clusters (lines 5-13 column 13).

### ***Response to Arguments***

5. Applicant's arguments filed have been fully considered but they are not persuasive.

Applicant argued that one of the rejection is improper because of there is no item 804 in Fig. 1 (Remarks, second paragraph page 2). In response, while it is a typing mistake in the office action in which the cited figure should be read as Fig. 10, there is

only one item 804 in the reference (found in Fig. 10 and 11) that represents the one thing: an interface with objects in which a user can interact with. It is clearly a typo mistake; however, the cited rejection portion can be clearly understood since the cited item is correctly addressed and can easier be found in the reference. The reference meets the limitation as claimed.

Applicant argued that the motivation is improper (Remarks, third paragraph page 2). In response, the motivation is clearly stated based on the teaching of the cited reference. The examiner clearly stated that Humpleman does not explicitly disclose objects of a cluster; however, the reference discloses in 804 of Fig. 10 several objects that the user can interact with (channel, brightness...). Therefore one of ordinary skill in the art would conclude that these items are objects of a cluster wherein after the user clicks on one of the object, a task that is specified to that object would be performed. The reference meets the limitation as claimed.

Applicant argued that the examiner has not addressed the limitation "...responsive to the context" (Remarks, last paragraph page 2). In response, this limitation had been addressed in the claim rejection in the Office Action of 5/21/2003 wherein: being responsive (macro generation 1204, Fig. 15) to context (session manager...saved states into actions, lines 8-11 column 15). Note the discussion of claim 1 rejection above.

Applicant argued that the examiner is not consistent when addressing the term "context" (Remarks, first paragraph page 3). In response, the term "context" is clearly maintained with the same meaning in the Office Action. Just because the examiner

addresses: being responsive (macro generation 1204, Fig. 15) to context (session manager...saved states into actions, lines 8-11 column 15), it does not mean "context" is a "session manager". The whole phrase is referred to the step of how the system is response to the context.

Applicant argued that the reference does not teach modifying the clusters to include objects (Remarks, second paragraph page 3). In response, the applicant argued limitation that is not claimed.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to The Thanh Ho whose telephone number is 703-306-

Art Unit: 2126

5540. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (703) 746 – 7238
- OFFICAL faxes must be signed and sent to (703) 746 – 7239
- NON OFFICAL faxes should not be signed, please send to (703) 746 – 7240



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TTH  
December 9, 2003